

UNITED STATES RECEIVING OFFICE (RO/US)

Re	International Appln. No. PCT/FR2004/000958
International Filing Date	16 April 2004 (16.04.2004)
Applicant	Nicolas Ibrahim
U.S. Serial No.	10/553,535
U.S. Filing Date	October 17, 2005
Title of Invention	RADIO DATA TRANSMISSION METHOD EMPLOYING SEVERAL DIFFERENT PILOT PATTERNS, CORRESPONDING BASE STATION, MOBILE, SYSTEM AND RECEPTION METHOD
Agent's File	W51.12-0022

Response to Decision

Mail Stop PCT
 Commissioner for Patents
 Office of PCT Legal Administration
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

This is in response to the Decision regarding a Petition filed under 37 C.F.R. §1.47(b) to proceed on the basis that Nicolas Ibrahim refuses to sign the application.

Items (1), (2), (3), (4), and (6) referred to in the Decision have been accepted as being complete. However, item (5) has been rejected as not yet satisfied since the statement by Pierre Cosnier is allegedly unsigned. Applicant disagrees since the statement provided by Mr. Cosnier was in fact signed.

Page 3 of the Decision suggests that the Petitioner submitted a statement that "Mr. Ibrahim was employed by Wavecom at the time the invention was made and remained employed at Wavecom through the time the original priority patent application was filed on April 17, 2003."

The Decision indicates that the statement was unsigned and it is not clear if it is made by a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the Applicant.

I HEREBY CERTIFY THAT THIS PAPER IS
 BEING SENT BY U.S. MAIL, FIRST CLASS,
 TO THE COMMISSIONER FOR PATENTS,
 P.O. BOX 1450, ALEXANDRIA, VA 22313-
 1450, THIS 22 DAY OF
May, 2007.
D. L. T.
 PATENT ATTORNEY

Applicant has reviewed the copy of the statement in its file and also the official copy that is posted on the USPTO's online private PAIR database. Mr. Cosnier's statement was provided with a pre-printed form labeled "FORM 1-10", which includes pages 1-75 through 1-77. Page 1-75 includes a statement under (III.) that Mr. Cosnier has "first hand knowledge". Page 1-76 includes a statement that "Mr. Ibrahim was employed by Wavecom at the time . . ." Finally, page 1-77 includes the signature of Mr. Cosnier.

Therefore, the statement appears to be entirely complete according to the requirements provided in the Decision. A supplemental copy of the statement is enclosed herewith.

Applicant suspects that the Petition reviewer may have reviewed page 1-76 out of context with respect to pages 1-75 and 1-77, thus appearing to be unsigned.

Applicant therefore respectfully requests that the Petition be favorably reconsidered.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,
WESTMAN, CHAMPLIN & KELLY, P.A.

By: David D. Brush

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DDB:tkj

Practitioner's Docket No. W51.12-0022

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Nicolas IbrahimFor: RADIO DATA TRANSMISSION METHOD EMPLOYING SEVERAL DIFFERENT PILOT PATTERNS, the specification of which: (check and complete (a), (b) or (c)) CORRESPONDING BASE STATION, MOBILE, SYSTEM AND RECEPTION METHOD(a) is attached hereto.(b) was filed on Oct. 17, 2005 as Application Serial No. 10/553,535 and was amended on Oct. 17, 2005 (if applicable).(c) was described and claimed in International Application No. PCT/FR2004/000958 filed on April 16, 2004 and as amended on (if any).STATEMENT BY PERSON HAVING FIRST HAND KNOWLEDGE
THAT NONSIGNING INVENTOR WAS EMPLOYEE
OR OTHERWISE OBLIGATED TO PERSON
WITH SUFFICIENT PROPRIETARY INTEREST WHEN INVENTION MADE

I, I,

Pierre Coenier

Name of person making statement

53 AVENUE DES ETATS UNIS 78000
VERSAILLES - FRANCE

make this statement in support of the

STATEMENT ESTABLISHING PROPRIETARY INTEREST BY PERSON SIGNING ON BEHALF OF NONSIGNING INVENTOR in this application which I have read.

II. I have also read the above-identified specification and claims.

III. I confirm that I have first hand knowledge that the omitted inventor made the above-identified invention while in the employ of or otherwise obligated to the entity showing a proprietary interest that I now set forth:

NOTE: MPEP, § 408.08(f), 8th Edition: "If the application has been assigned, a copy of the assignment (in the English language) must be submitted."

 A "STATEMENT UNDER 37 CFR 3.73(b)" (PTO/SB/96) is attached.

Mr. Ibrahim was employed by Wavecom at the time the invention was made and remained employed at Wavecom through the time the original priority patent application was filed in France on April 17, 2003.

Annex 1 is a copy of an original Wavecom employment agreement, including an English translation, signed by the inventor, Nicolas Ibrahim on April 5, 2002.

Paragraph 6 of the employment agreement acknowledges that any invention made by Mr. Ibrahim in the exercise of his duty at Wavecom will entirely become property of Wavecom.

(use Supplemental Page(s) if necessary)

(Statement That Nonsigning Inventor Was Employee When Invention Made {1-101—page 2 of 3})

(Rev. 102-3405 Pub. 605)

FORM 1-10

1-77

Date: DECEMBER 12, 2006

(Signature of person making statement)

Pierre Cosnier

 Plus _____ added page(s)

(Statement That Nonsigning Inventor Was Employee When Invention Made [1-10]—page 3 of 3)